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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 AUG 12 AM 10:41

SANDRA K. HARRHAM, CLERK
BY: 

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

CAUSE NO. P1300CR201001325

**OBJECTION TO REQUESTED
JURY INSTRUCTIONS**

Assigned to Hon. Warren R. Darrow
Division PTB

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby objects to Defendant's "Requested Criminal Jury Instructions."

In addition to a number of RAJI criminal jury instructions, of which the State reserves the right to object based upon evidence produced at trial, the Defendant has requested two additional instructions: Third Party Culpability and Consciousness of Innocence.

Neither of these are approved RAJI instructions. In fact, Defendant provides no support (i.e. case law, statute or rule) whatsoever. This is reason alone to decline to give these proposed instructions. The proposed third party culpability instruction is covered by RAJI Standard Criminal 16-Evidence of Any Kind and RAJI Standard Criminal 5b(1)-Burden of Proof. The proposed consciousness of innocence instruction is a misstatement of the law and, more importantly, the facts in this case. The facts produced at trial will require the Court to give RAJI Standard Criminal 9-Flight or Concealment.

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1 Based upon the foregoing, the State respectfully requests that the Court decline to give the
2 Defendant's "requested criminal jury instructions."

3 **RESPECTFULLY SUBMITTED** this 11 day of August, 2011.

4 **Sheila Sullivan Polk**
5 **YAVAPAI COUNTY ATTORNEY**

6
7 By: Steven A. Young

8 **Steven A. Young**
Deputy County Attorney

9 **COPY** of the foregoing **Emailed** this
10 11th day of August, 2011, to:

11 Honorable Warren R. Darrow
12 Division 6
13 Yavapai County Superior Court
Via email to Diane Troxell: DTroxell@courts.az.gov

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